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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW.

Name of person signing certification:

PATENT

7671

Post-it* Fax Note

Attorney's Docket No. 111228TWT.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

RECEIVE

JAN 1 3 2000

TOLSON

Application No.: 10/040,535

Filed: 12/28/01

For: TWIN-T DUAL NOTCH FILTER

Technology Center 2600 Art Unit: 2681

Examiner:

Office of Petitions

RENEWED PETITION UNDER 37 CFR 1.47(b)

Assistant Commissioner of Patents Washington, D.C. 20231

Sir:

RECEIVED DEC 0 4 2002

OFFICE OF PETITIONS

Applicant hereby makes renewed petition for Tropian Inc. ("Tropian") to make application for patent on behalf of and as agent for the sole inventor of the present application, Nigel J. Tolson, a resident of Great Britain residing at 5 Brading Way, Purley-on-Thames, Reading, Berks, GB RG8 8BS.

In further support of the petition are the following: the declaration of Nigel J. Tolson, signed on his behalf by Steve Knowles, VP of Tropian; and the declaration of Michael J. Ure,

PATENT Attorney's Docket No. 111228TWT.US Page 2

The present petition is necessary to avoid loss of rights by the rightful assignee, Tropian. If the present renewed petition is not granted, Tropian will be unable to secure U.S. patent rights in the valuable invention of Mr. Tolson made for Tropian in the course of his employment and pursuant to his employment agreement with Tropian. Tropian would, as a result, experience irreparable harm.

Respectfully submitted,

Michael J. Ure (Reg. No. 33,089)

20813 Stevens Creek Blvd. Cupertino, CA 95014 (408) 422-1319

Date: December 3, 2002

Please type a plus sign (+) inside this box type a plus sign (+) inside this box

PTO/SB/01 (12-97)

Approved for use through 9/30/00, OMB 0651-0032

Patent and Tradomark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unloss it contains a valid OMB control number. Attorney Docket Number 111228TWT.U\$ **DECLARATION FOR UTILITY OR** TOLSON -First Named Inventor DESIGN PATENT APPLICATION COMPLETE IF KNOWN (37 CFR 1.63) **Application Number** 10/040,535 Filing Date 12/28/02 □ Declaration Declaration OR Submitted Submitted after Initial Group Art Unit Filing (surcharge (37 CFR 1.16 (e)) with Initial Filing Examiner Name required) Technology Center 260 As a below named inventor, I hereby declare that: My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Twin-T dual notch filter the specification of which (Title of the Invention) is attached hereto was filed on (MM/DD/YYYY) 12/28/2002 as United States Application Number or PCT International Application Number 10/040 535 and was amended on (MM/DD/YYYY) I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119(s)-(d) or 36S(b) of any foreign application(s) for patent or inventor's certificate, or 38S(s) of any PCT international application which designated at least one country other than the United States of America, listed below and here also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed. Certified Copy Attached? Foreign Filing Date Priority Prior Foreign Application Country (MM/DD/YYYY) Not Claimer NO Number(s) ▭ 靣 靣 酉 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/S8/02B attached rereto: I horeby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below. Application Number(s) Filing Date (MM/DD/YYYY)

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the emount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Tredemark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

OFFICE OF PETITIONS

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I hereby dectare that all statements made herein of my num knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.													
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Mailing Address
SAN JOSE CA. 95138

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW.

Name of person signing certification:		
Date:	Signature:	· · · · · · · · · · · · · · · · · · ·
		DATENT

PATENT Attorney's Docket Nos. 111228TWT.US and 111228CX3.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Applications of

TOLSON

Application Nos.: 10/040,535; 10/040,534

Filed: 12/28/01

For: TWIN-T DUAL NOTCH FILTER

and FREQUENCY SYNTHESIZER FOR DUAL MODE RECEIVER

Group Art Unit:

RECEIVED

Examiner: JAN 1 3 2003

Technology Center 2600

Office of Petitions

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DEC 0 4 2002
UFFICE OF PETITIONS

- I, Michael J. Ure, **DECLARE THAT:**
- 1. I am the attorney of record in the subject patent applications. I am currently responsible for the applications and have been from the time of filing.
- 2. The "docs" referred to in the history of Mr. Tolson's e-mail reply of July 31, 2002 (submitted previously) are the declaration and assignment for each of the subject applications. These documents were attached as e-mail attachments to a prior e-mail that I sent to Mr. Tolson. Copies of these e-mail attachments as they were sent to Mr. Tolson with the prior e-mail are attached hereto.
- 3. Subsequent to filing of the subject applications on December 28, 2001, and prior to April

PATENT
Attorney's Docket Nos. 111228TWT.US and
111228CX3.US

15, 2002 (the approximate date of termination of Mr. Tolson's employment with Tropian, the rightful assignee), I sent to Mr. Tolson, also by e-mail, complete copies of the applications as filed, together with declaration and assignment documents, substantially identical to those attached hereto, for Mr. Tolson's signature. No copy of the e-mail sending the applications to Mr. Tolson currently exists. However, in subsequent telephone communications with Mr. Tolson, he acknowledged to me that he had received the e-mail, the copies of the applications and the declaration and assignment documents.

- 4. Besides the subject applications, Mr. Tolson was named as inventor on only one other patent application for Tropian; in that other patent application, Mr. Tolson was one of several co-inventors, whereas he is named as the sole inventor of the subject applications. Because of these circumstances, when I resent the "docs" by e-mail to Mr. Tolson for signature, there was no doubt in my mind that Mr. Tolson would correctly associate the documents with the application copies sent previously. Had I had any doubt, I would have resent the application copies along with the documents.
- 5. During his employment with Tropian, Mr. Tolson was as a design engineer with responsibility for RF (cellular telephony) receivers. The inventions described in the subject applications relate directly to work carried out by Mr. Tolson for Tropian within the term of his employment. By the terms of Mr. Tolson's employment agreement with Tropian (submitted previously), Tropian is the rightful assignee of these inventions.

111228CX3,US

Attorney's Docket Nos. 111228TWT.US and

6. The undersigned further declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: December 3, 2002

OR

DESIGN

PATENT APPLICATION (37 CFR 1.63)

Declaration

required)

Filing (surcharge (37 CFR 1.16 (e))

a valid QMB control number.

Declaration

Submitted

with Initial Filing

408-6174856

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-00\$2

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Attorney Docket Number 111228TWT.US **DECLARATION FOR UTILITY OR** TOLSON First Named Inventor COMPLETE IF KNOWN Application Number 10/040,535 12/28/02 Filing Date Submitted after Initial Group Art Unit **Examiner Name**

					- 2000
As a below named invon	itor, I hereby declare that:			Technolog	y Center 260
My residence, post office a	address, and chizenship are a	as stated below next to my	/ name.		
names are listed below) of	first and sole inventor (if only f the subject matter which is t	y one name is listed below claimed and for which a pa) or an original, fl stent is sought on	ret and joint inver the invention on	ntor (if plural titled:
Twin-T dual no	tch filter		. ,		
the specification of which is attached herelo OR	(1100	of the Invention)			
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(Page 1 of 2)

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Utility or Design Patent Application **DECLARATION-**I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or SSS(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the cistims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentiability as defined in 37 CFR 1.56 which became available between the filling date of the prior application and the national or PCT International filling date of this application. Parent Patent Number U.S. Parent Application or PCT Parent **Parent Filing Date** (If applicable) (MM/DD/YYYY) Number Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. As a named Inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Paten and Trademark Office connected therewith: Gustomer Number Place Customer Number Bar Code OR Label bear Registered practitioner(s) name/registration number listed below Registration Registration Number Name Number Michael J. Ure 33.089 Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto Direct all correspondence to: Customer Number OR Correspondence address below 30233 or Bar Code Label Address Address State ZIP City Telephone I hereby deciare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent leased thereon. A petition has been filed for this unsigned inventor Name of Sole or First Inventor: Given Name (first and middle lif any)) Family Name or Sumame **TOLSON** Nigel J. Inventor's 07/06/02 Date Signature Berks GB GB Reading Citizenship Residence: City Country Post Office Address 5 Brading Way, Purley-on-Thames Post Office Address **RG8 8BS Berks** Reading Country supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto Additional inventors are being named on the

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ASSIGNMENT

(SOLE)

residing at	THIS ASSIGNMENT, by Nigel J. TOL: 1	
<u>Iwin-T dual</u>	WHEREAS, the Assignor has invented certain I notch fifter in application, which is a	new and useful improvements in
	☐ provisional application ☐ no	n-provisional application
1	 (a) ☐ filed herewith; (b) ☐ to be filed; 	
2	having an oath or declaration execut	ed on even date herewith prior to filing of
3	application; 3. Dearing Application No. 10/040,535	and filed on 12/28/02 and

WHEREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws of THE STATE OF CALIFORNIA, and having its principal place of business at 20813 Stevens Creek Boulevard, Suite 150, Cupertino, California 95014-5649 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the abovementioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with said inventions or said applications for Letters victorial, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, and applications for Letters Patents or any applications for Letters Patents or any applications. or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

Application No. Attorney's Docket No. 111228TWT.US

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

07/06/02 Signature of Assignor Date

Please type a plus sign (+) inside this box -> +

408-6174856

PTO/SB/01 (12-97)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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			First Named Inventor TOLSON			
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_	Filing Date	12/2	12/28/02			
Declaration Submitted OR With Initial Filing Submitted after Initial Filing Fil		Group Art Unit	RECEIVED			
		Examiner Name		JAN 1 3 2003		

				Technology	Center 2600
As a below named inver	ntor, I hereby declare that:				
My residence, post office	My residence, post office address, and citizenship are as stated below next to my name.				
names are listed bolow) o	first and sole inventor (if only fithe subject matter which is	y one name is listed below) claimed and for which a par	or an original, fi tent is sought or	rst and joint inver the invention en	ntor (If plural titled:
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the specification of which	1712	e of the invention)			
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Additional foreign applic	ation numbers are listed on a	supplemental priority data	sheet PTO/SB/I	029 attached here	sto:
	under 35 U.S.C. 118(a) of an				
Application Number	r(s) Filing Date	e (MM/DD/YYYY)			
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains

a valid OMB control number. DECLARATION - Utility or Design Patent Application I hereby dalm the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application is the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to parentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. U.S. Parent Application or PCT Parent Parent Patent Number **Parent Filing Date** Number (MM/DD/YYYY) (if applicable) Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/S8/02B attached hereto. As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patan and Trademark Office connected therewith; Customer Number Place Customer OR Number Bat Code Registered practitioner(s) name/registration number listed below i shel bece Registration Registration Name Number Number Michael J. Ure 33,089 Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto Direct all correspondence to: 🗹 Customer Number 30233 OR Correspondence address below or Bar Code Label Name Address Address City State ZIP Country Telephone Fax I hereby declare that all statements made harein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. A petition has been filed for this unsigned inventor Name of Sole or First Inventor: Given Name (first and middle (if anyl) Family Name or Surname Nigel J. TOLSON Inventor's Signature Date 7/8/02 Reading Berks GB Residence: City GB Country Citizenship Post Office Address 5 Brading Way, Purley-on-Thames Post Office Address Reading **Berks** City **RG8 8BS** GB Country

supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached herete

Additional inventors are being named on the

11	1228CX3.US	

ASSIGNMENT

(SOLE)

THI	S ASSIGNMENT, by Nigel J. TOLSON
residing at	5 Rrading Way Purley-on-Thames, Reading, Berks, GB RG8 8BS
(hereinafter refei	rred to as "the Assignor"), witnesseth:
Frequency syr	IEREAS, the Assignor has invented certain new and useful improvements in thesizer for dual mode receiver optication, which is a
	☐ provisional application ☐non-provisional application
1.	(a) ☐ filed herewith; (b) ☐ to be filed:
2.	Inaving an oath or declaration executed on even date herewith prior to filing of application:
3.	☑ bearing Application No. 10/040,534 , and filed on 12/28/02 ; and
WH	EREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws

WHEREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws of THE STATE OF CALIFORNIA, and having its principal place of business at 20813 Stevens Creek Boulevard, Suite 150, Cupertino, California 95014-5649 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives; and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, abovementioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assigner will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shell advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

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AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

07/06/02 Signature of Assignor